

E-FILED - 7/6/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HASSAN ABPIKAR,)	No. C 09-1872 RMW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
vs.)	
)	
ERIC HOLDER, et al.,)	
)	
Defendants.)	
_____)	

On April 29, 2009, plaintiff filed a “criminal complaint.” The Clerk construed it as a civil rights complaint and filed it as such. On May 6, 2009, the plaintiff objected to the Clerk’s construction of his complaint as a civil complaint and asserted that he did not wish to file a civil complaint, but a criminal one.¹ Plaintiff asks the court to “cancel” the filing of his criminal complaint as a civil one. As such, the court construes plaintiff’s objection as a request to voluntarily dismiss this civil action as improperly opened and grants the request.

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¹ Although plaintiff reiterates that he wants his pleading filed as a criminal case, there is no authority “permitting a private individual to initiate a criminal prosecution in his own name in a United States District Court.” See Keenan v. McGrath, 328 F.2d 610, 611 (1st Cir. 1964) (per curiam); cf. Fed. R. Crim. P. 3.

1 Accordingly, the instant action is DISMISSED.

2 IT IS SO ORDERED.

3 DATED: 7/2/09


RONALD M. WHYTE
United States District Judge